

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 440
97TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, May 8, 2013, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

0173S.06C

AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to food consumption.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 196, RSMo, is amended by adding thereto one new
2 section, to be known as section 196.298, to read as follows:

**196.298. 1. As used in this section, the following terms shall
2 mean:**

3 **(1) "Baked good", includes cookies, cakes, breads, Danish, donuts,**
4 **pastries, fruit pies, and other items that are prepared by baking the**
5 **item in an oven. A baked good does not include a potentially hazardous**
6 **food item as defined by department rule;**

7 **(2) "Cottage food production operation", an individual operation**
8 **out of an individual's home which meets the following conditions:**

9 **(a) Only nonpotentially hazardous processed foods, except low**
10 **acid canned and acidified foods, including but not limited to breads,**
11 **cookies, fruit pies, jams, jellies, preserves, fruit butters, honey,**
12 **sorghum, cracked nuts, spices, and packaged mixes including spice, dry**
13 **cookie, cake, bread, and soup mixes, are sold, sampled, or served;**

14 **(b) The seller is the individual actually producing the food or an**
15 **immediate family member residing in the producer's household with**
16 **extensive knowledge about the food;**

17 **(c) The seller only sells, samples, or serves the food directly to**
18 **the end consumer;**

19 **(d) All processed packaged foods bear a label stating the name**

20 and address of the manufacturer or processor preparing the food,
21 common name of the food, name of all the ingredients in the food and
22 a statement that the product is prepared in a kitchen that is not subject
23 to inspection by the department of health and senior services. It is
24 recommended that honey manufacturers or processors include the
25 following additional statement on its label: "Honey is not recommended
26 for infants under twelve months of age";

27 (e) The consumer is informed by a clearly visible placard at the
28 sales or service location that the food is prepared in a kitchen that is
29 not subject to inspection by the department of health and senior
30 services if the foods specified in paragraph (a) of this subdivision are
31 sold, sampled, or served in unpackaged, individual portions;

32 (f) The seller advertises on the internet, but does not sell such
33 food directly via the internet.

34 The department of health and senior services shall have final authority
35 in determining whether a food is nonpotentially hazardous and may
36 enjoin individuals who violate the provisions of this subdivision from
37 selling, sampling, or serving such foods;

38 (3) "Department", the department of health and senior services;

39 (4) "Home", a primary residence that contains a kitchen and
40 appliances designed for common residential usage.

41 2. A cottage food production operation is not a food service
42 establishment and shall not be subject to any health or food code laws
43 or regulations of the state or department other than this section and
44 sections 196.030 to 196.075, and rules promulgated thereunder for a
45 cottage food production operation.

46 3. (1) A local health department shall not regulate the
47 production of food at a cottage food production operation. Nothing in
48 this subdivision shall be construed as prohibiting the department of
49 health and senior services from contracting with a local health
50 department to provide services for the department under state law and
51 regulation.

52 (2) Each local health department and the department shall
53 maintain a record of a complaint made by a person against a cottage
54 food production operation.

55 4. The department shall promulgate rules requiring a cottage
56 food production operation to label all of the foods described in this

57 section which the operation intends to sell to consumers. The label
58 shall include the name and address of the cottage food production
59 operation and a statement that the food is not inspected by the
60 department or local health department.

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